

FILED
2011 JUL -1 P 2:15
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

IN RE MATTER OF:

Joseph Giannini

CV 11 80 153 MISC

ORDER REJECTING SUBMISSION

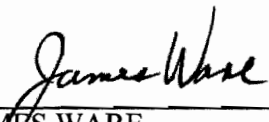
JW

Presently before the Court is a Complaint received by the Northern District of California on June 18, 2011, submitted by Joseph Giannini ("Giannini"). Giannini submits the present putative class action on behalf of his clients, to challenge the constitutionality of the bar admission requirements for the practice of law in the state of California. (Complaint ¶ 1.) On March 3, 1999, Judge Illston ordered Giannini enjoined from:

filing any further actions, either as an attorney or a party, in the United States District Court for the Northern District of California, regarding admission to and the regulation of the practice of law in the State of California without first obtaining leave of the Chief Judge of this court. Paciulan v. M. George, 38 F. Supp. 2d 1128, 1146 (N.D. Cal. 1999). Further, Judge Illston required that any new filings must include a declaration stating: (1) that the matters asserted in the filing have not been previously raised by Giannini and dismissed; (2) that the filing does not pertain to matters that are frivolous or made in bad faith; and (3) that Giannini conducted a reasonable investigation of the facts and can attest to their accuracy. Id.

1 Upon review, the Court finds that, contrary to Giannini's declaration, Giannini's submission
2 asserts an identical constitutional challenge to the California State Bar Exam grading and
3 administration, as was asserted by Giannini, dismissed by Judge Weigel of the Central District of
4 California and affirmed in dismissal by the Ninth Circuit in 1990. Giannini v. Real, 911 F.2d 354
5 (9th Cir. 1990). Further, Giannini's filing fails to put forth any intervening change in law on which
6 to justify relitigation of the issue. Accordingly, the Court DECLINES to file Giannini's Complaint
7 for failure to comply with the provisions of the pre-filing order. In light of this Order, the Clerk of
8 Court shall refuse the June 18 submission and return any fees tendered in relation to this submission.

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11 Dated: July 1, 2011



JAMES WARE
United States District Chief Judge

United States District Court
For the Northern District of California

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**
2 Joseph Robert Giannini
3 925 S. Westgate Ave. #102
4 Los Angeles, CA 90049
5
6 **Dated: July 1, 2011**
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8 **Richard W. Wicking, Clerk**
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11 **By: /s/ JW Chambers**
12 **Elizabeth Garcia**
13 **Courtroom Deputy**
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